

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM # 4 California Work Opportunity and Responsibility to Kids (CalWORKs): Inter-County Transfers

The CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at the public hearings to be held January 15, 2002, and January 16, 2002, as follows:

<p><u>January 15, 2002</u> Community Care Licensing Regional Office 100 Corporate Point, #350 (Entrance on Slausen) Culver City, California</p>	<p><u>January 16, 2002</u> CDSS Office Building #9 744 P Street, Auditorium Sacramento, California</p>
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The public hearings will both convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The CDSS will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the CDSS at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by telefax to the address/number listed below. All comments must be received by 5:00 p.m. on January 16, 2002.

The CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice and the proposed regulations are anticipated to be available online at <http://www.dss.cahwnet.gov/ord> by December 1, 2001. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

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CHAPTERS

Manual of Policies and Procedures (MPP), Division 40-101 (General Policies and Principles) and Division 40-187 through 40-197 (Inter-County Transfers)

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Inter-County Transfer (ICT) procedures were established in Welfare and Institutions Code Sections 11053 and 11102, and are regulated under MPP Sections 40-187 through 40-197. ICT statutes and regulations were established to ensure continuous services and cash aid to California Work Opportunity and Responsibility to Kids (CalWORKs) recipients when they move from one county to another. Although current ICT regulations provide guidance relative to the ICT process, they lack specificity in the area of timeframes, eligibility determination, and client informing. As a result, ICT procedures are inconsistently applied which could cause disruptions in aid and services to CalWORKs recipients. In addition, Some CalWORKs clients could be inappropriately discontinued from aid because their eligibility was redetermined in the new county based on criteria used for new applicants rather than continuing recipients.

The proposed regulations will specify timeframes counties must follow to ensure that necessary documentation and the responsibility for the provision of benefits is transferred on a timely basis. They will also specify appropriate eligibility criteria to ensure that continuing CalWORKs recipients are not erroneously discontinued from aid. Additionally, they will require the receiving county to initiate contact with the recipient to provide assistance with establishing aid in the new county of residence. These regulations are necessary to minimize the disruption of services for CalWORKs recipients. Also, throughout these proposed regulations, the acronym “AFDC” is being repealed and the acronym “CalWORKs” is being adopted to comply with the provisions of Assembly Bill 1542 (Chapter 270, Statutes of 1997), which enacted the CalWORKs program that replaced the Aid to Families with Dependent Children (AFDC) program.

Language has also been added requiring that a copy of the signed Maximum Family Grant Informing Notice (CW 2102) from the recipient’s case file be sent by the first county to the second county. This is to comply with the Nickols v. Saenz Court Order Number 810367.

The civil rights policy statement regarding non-discrimination in the CalWORKs program has been amended to ensure that all civil rights laws are followed in the administration of the CalWORKs program including compliance by contractors and subcontractors. In addition, reference to the program name “AFDC” has been changed to “CalWORKs” as appropriate.

COST ESTIMATE

1. Costs or Savings to State Agencies: None
2. Costs to Local Agencies or School Districts: None
3. Nondiscretionary Costs or Savings to Local Agencies: None
4. Federal Funding to State Agencies: None

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate on local agencies or school districts. There are no state mandated costs in these regulations which require state reimbursement under Section 17500, et seq. of the Government Code.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

The CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

The CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

The CDSS adopts these regulations under the authority granted in Welfare and Institutions Code Sections 10553 and 10554. Subject regulations implement and make specific Welfare and Institutions Code Sections 11053 and 11102.

THE CDSS REPRESENTATIVES REGARDING THE RULEMAKING PROCESS OF THE
PROPOSED REGULATION

Contact Person: Anthony J. Velasquez (916) 657-2586
Backup: Steve Smalley (916) 657-2587

THE CDSS REPRESENTATIVES REGARDING SUBSTANCE OF THE PROPOSED
REGULATION

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Backup: Maria Hernandez (916) 654-1322

AGENDA ITEMS FOR THESE PUBLIC HEARINGS - January 15, 2002 and January 16, 2002

ITEM #1	ORD #0501-11	Foster Care Financial Audit Requirements
ITEM #2	ORD #1000-20	Adult Day Care / Adult Day Support Regulations
ITEM #3	ORD #0901-20	Direct Deposit
ITEM #4	ORD #0801-18	CalWORKs: Inter-County Transfers